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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,364

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John P. Vanderhoef

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7590

06/19/2007

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EXAMINER

GILBERT, WILLIAM V

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,364	Applicant(s) VANDERHOEF, JOHN P.	
	Examiner William V. Gilbert	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35, 44, 45 and 54-56 is/are rejected.
- 7) ☒ Claim(s) 36-43, 46-50, 51-53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a Final Office Action. Applicant cancelled claims 1-28.

New claims 29-56 are pending below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-35, 44, 45 and 54-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Stegner (U.S. Patent No. 6,751,912).

Claim 29: Stegner discloses a flat interlockable tile of substantially resilient material having a central portion (Fig. 3: 14) having top and bottom surfaces and elongated support edges (see "A" below) having a longitudinal inner edge (58) joined to the central portion, a free outer edge interlock structure ("B" below) on each support edge a series of first and second sets of adjacent male interlocks ("C" and "66" respectively below) formed with walls that project

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perpendicularly from the support edges in longitudinally spaced apart relationship, the second set of interlocks has an elongated wall with inner and outer sidewalls (outer sidewall faces the first male interlock, "C") and extending longitudinally and transversely to provide a succession of second wall traversals of its corresponding support edge, the outer sidewall extends opposite a first male interlock ("C") of its corresponding interlock sets and the outer sidewall forms an open ended channel with the first male interlock and is sized to mate with an inverted second male interlock ("D" below) and the inner sidewall of the second male interlock provide an interior wall portion for an open-ended cavity to mate with an inverted first male interlock (46).

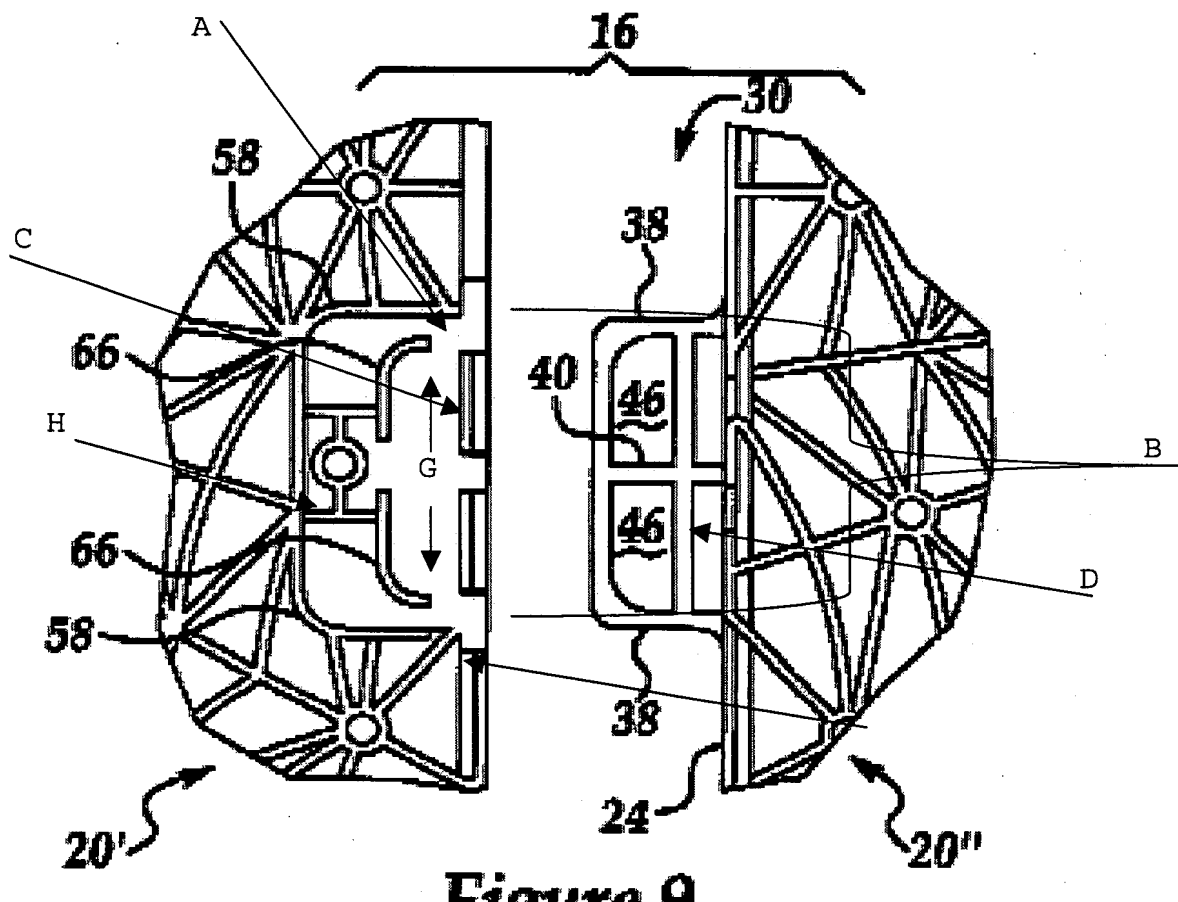


Figure 9

Figure 9 from Stegner

Claim 30: the top tile surface has a layer of wear resistant material (Col. 2, lines 1-5).

Claim 31: the tile is quadrilateral shaped with two pairs of support edges (see "E" and "F" below) and the layer is a decorative covering (any layer can be used as decorative) that covers the top surface of the central portion and one of the pairs of support edges.

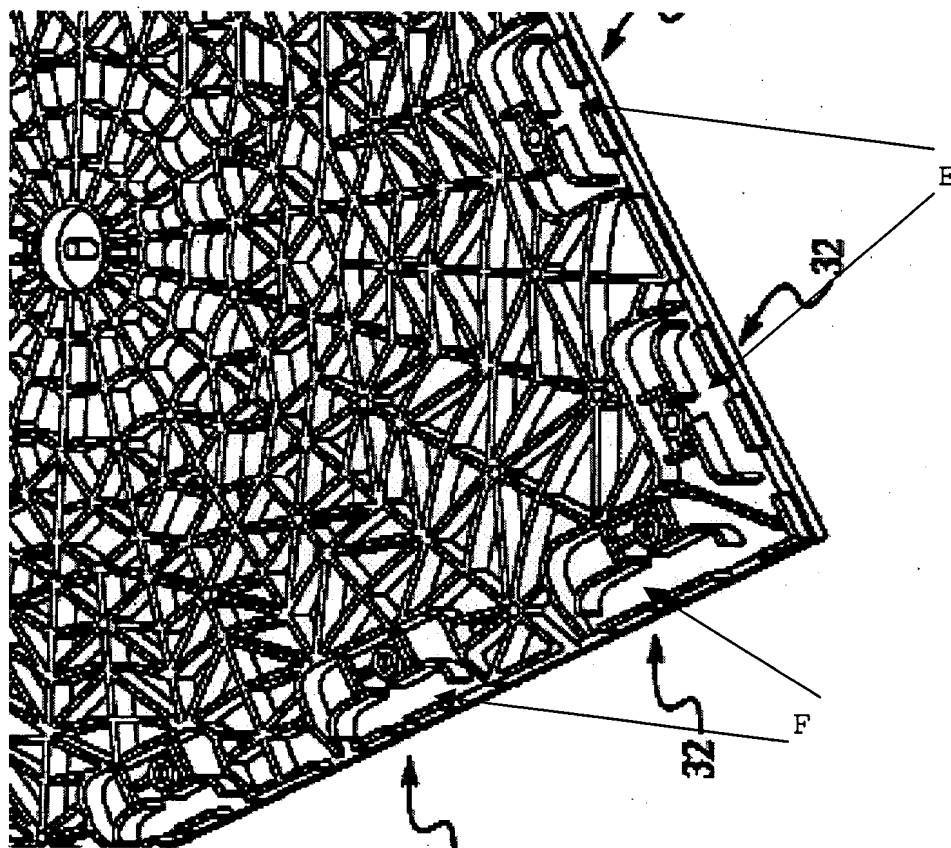


Figure 2 from Stegner

Claim 32: the channel has a pair of transversely diverging channel sections ("G" from Fig. 9 above) to form a continuous channel of U-cross sectional shape around part of the first male interlock

Claim 33: the outer sidewall of the second male interlock is curved whereby the traversal of the respective support edge has an alternating configuration in plan view (see outer

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sidewalls from Fig. 9 above in relation to "G" above for alternating configuration.)

Claim 34: the wall of the second male interlock has a projecting rib ("H" from Fig. 9 above) of substantially rectangular cross section and the inner and outer sidewalls are formed on the rib in substantially parallel relationship one to another.

Claim 35: the male interlock of a first set comprises a multisided lug (52) having a planar free end surface parallel to the plane of the central portion of the tile (see indication of "52" from Fig. 7).

Claim 44: Stegner discloses an adhesive-free interlockable tile of substantially resilient composition having a plurality of interlock support edges ("A" above) on the tile having a longitudinal axis and substantially parallel inner and outer edge portions with the outer edge portions defining the periphery of the tile; first and second walled structures ("C" and "66" above) projecting from one of said interlock support edges, the second walled structure is elongated with inner and outer sidewalls (see explanation in rejection of Claim 29 for clarification) that traverse the support edge between the inner and outer edges, the outer sidewall extends opposite a first walled structure and laterally spaced to form an open ended

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channel ("G" above) and sided to mate with an inverted one of another second walled structure ("D" above), and the inner sidewall forms an open ended cavity interior wall portion to mate with an inverted first walled structure (proximate 46) and the non-adhesive connections may be made with other tiles having first and second walled interlock structures thereon.

Claim 45: certain ones of said first walled structures ("C" above) have three adjoining sides (see "X", "Y" and "Z" below), two of the sides are opposite one another ("X" and "Y") and joining opposite respective ends of a third side ("Z")

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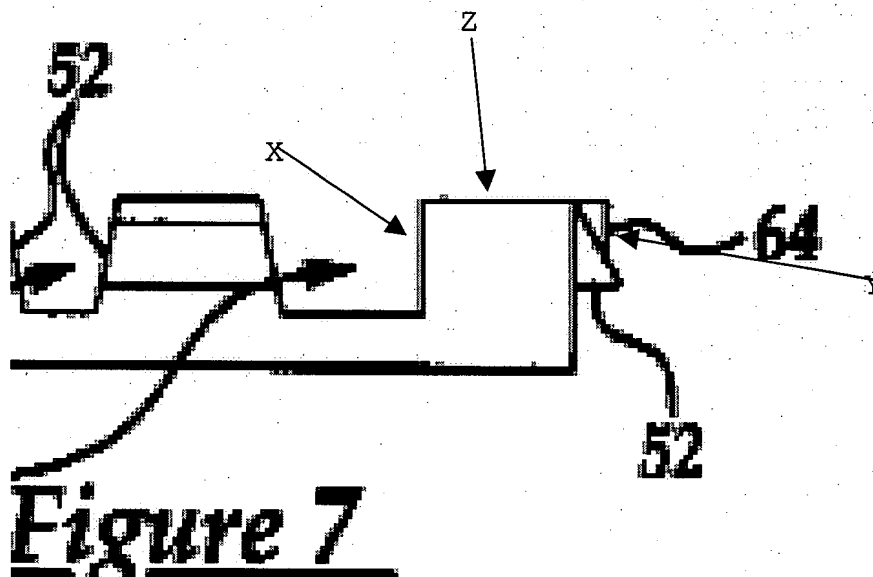


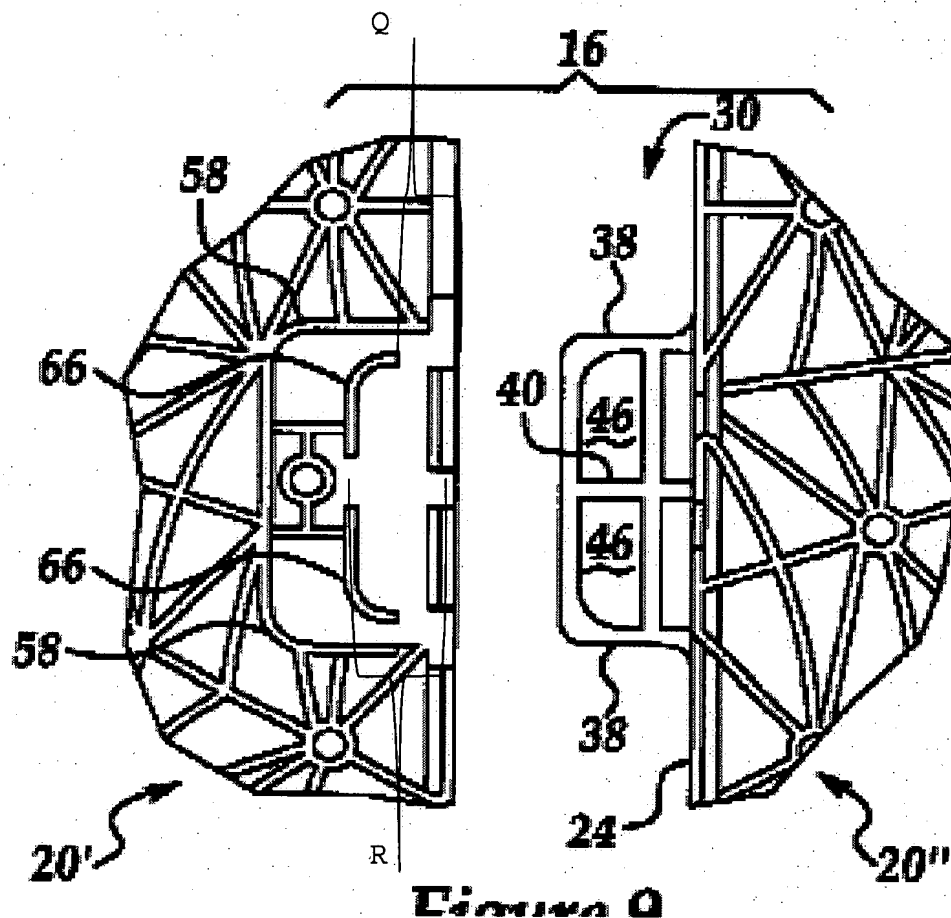
Figure 7 from Stegner

Claim 54: Stegner discloses an edge interlock system for a resilient tile having a first plurality of male interlocks (66) disposed at substantially equal first spaced apart distances from one another along a midsection of one tile edge and projecting perpendicularly, a second plurality of male interlocks ("C" above) of substantially identical size and shape and disposed at a second distance from one another adjacent one end of said tile edge and projecting perpendicularly therefrom, the second distance is greater than the first distance, and the second male interlock elements are inverted with respect to each other (see relation to "G" above for direction of inversion) to

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provide a greater interlocking tolerance to the mating with interlock elements of other tiles.

Claim 55: a first open sided channel ("Q" below) traverses along the edge between adjacent ones of the first interlock elements and a second open channel ("R" below) traverses between the second interlock elements, the second channel having a greater width than the first channel.



Second Figure 9 from Stegner

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Claim 56: the second interlock elements are disposed adjacent opposite ends of the tile edge.

Allowable Subject Matter

2. Claims 36-43 and 46-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to amend the claims have been considered but are moot in view of the new ground(s) of rejection as the Applicant amends the claims.

Applicant's amendments to the claims have overcome the 35 U.S.C. §112 rejections as noted in the action dated 28 December 2006.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WVG

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07 June 07

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AU 3635 6-7-07